



THE CITY OF NEW YORK
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October 4, 2023

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al.*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York (the “City”), assigned to represent the City and the Department of Correction (“DOC”) in this matter. Defendants write to supplement their letter, dated September 29, 2023, regarding various documents withheld on the grounds of the law enforcement privilege.

As noted in Defendants’ September 29, 2023 letter, Plaintiffs have requested, *inter alia*, all records related to the deaths in custody which occurred on February 4, 2023 and August 22, 2023. Defendants contend that documents pertaining to these incidents are protected by the law enforcement privilege. Defendants supplement their initial briefing to provide the attached declaration of Assistant Attorney General Jennifer Gashi, which notes that the underlying incidents pertaining to the deaths in custody which occurred on February 4, 2023 and August 22, 2023, are subject to an open investigation by the New York State Attorney General’s Office. See Declaration of Assistant Attorney General Jennifer Gashi, New York Attorney General’s Office, attached as Exhibit A.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/
John Schemitsch

cc: BY ECF
All counsel of record